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**Via Electronic Filing**

Hon. Julien Xavier Neals, U.S.D.J.  
Federal Building & Courthouse 50 Walnut Street  
Room 4015 Newark, NJ 07101

Re: Parks, Nijer v. McCormack, John E., et al  
Civil Action No.: 2:21-CV-04021 DOL# 21-00054

Dear Judge Neals:

Please accept this letter brief in lieu of a more formal opposition to the Motion to Dismiss the claims against Mayor McCormack and against Sgt. Licciardi.

Plaintiff concedes that at this point Plaintiff is not in possession of any evidence involving Mayor McCormack directly in the alleged wrongdoing and Plaintiff further acknowledges that the claims against him in his “official capacity” are redundant. Therefore, Plaintiff does not oppose the dismissal of the claims against him, but only requests that this dismissal be made “without prejudice” so that in the event that evidence of the mayor’s involvement comes forward, then reinstatement will not be problematic.

Plaintiff similarly concedes that Sgt. Licciardi does not appear to have been involved in the issuance of the warrant. Therefore, Plaintiff does not object to his dismissal from the action either but again asks that the dismissal be without prejudice, particularly as the record does indicate that Sgt. Licciardi was present at the original incident as a supervising officer which gave rise to the wrongful arrest. Initial disclosures have only just been exchanged so it would be imprudent to make these dismissals with prejudice.

Respectfully submitted,

DWS/swd



Daniel W. Sexton

*cc Lori Dvorak via ECF only*  
*Frederick L. Rubenstein via ECF only*  
*Jordyn Jackson, DAG via ECR only*  
*Client via email only*